

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, December 9, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Silva, Campbell, Norby & Wilson

EXCUSED: Supervisor Smith

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth
COUNTY COUNSEL Benjamin P. de Mayo
CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Chairman Wilson, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-39)

23145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 15 WHICH WAS**
X **CONTINUED TO 1/27/04, 9:30 A.M.; AND ITEMS 11 & 38 WHICH WERE PULLED FOR**
 DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

Chairman Wilson:

1. Harbors, Beaches and Parks Commission - Reappoint Jerry King, Corona del Mar, for term concurrent with 5th District Supervisor's term of office
2. In-Home Supportive Services Advisory Committee - Rescind appointment of an At-Large, Consumer member appointed 5/1/01

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DEPARTMENT APPOINTMENTS

Health Care Agency:

3. Mental Health Board - Reappoint Rachel Pedraza, Fullerton, for term ending 10/20/06
4. Alcohol & Drug Advisory Board and Local Suppression of Drug Abuse in Schools Advisory Committee - Reappoint Ellen Ahn, Fullerton for term ending 11/12/06 and Michael J. Darnold, San Juan Capistrano for term ending 12/3/06; and Samantha B. A. Groskinsky, Laguna Hills for term ending 10/18/06 - All Districts

COMMENDATIONS/PROCLAMATIONS

5. **Chairman Wilson** - Adopt resolution acknowledging the efforts of County Photographer Jerry Manson
RESO: 03-370

HEALTH CARE AGENCY

6. Approve amended lease with Ralph R. Crosswhite and Myrta Crosswhite for office space for outpatient adult mental health services and alcohol and drug abuse services, Fullerton, extending term to two years; and make California Environmental Quality Act findings - District 4
7. Approve agreement with National University for clinical training services, 12/9/03 - 12/8/08 - All Districts
8. Approve amended lease with Orange County Department of Education for office and medical therapy space for California Children Services Program, Mission Viejo; and make California Environmental Quality Act findings - District 5
9. Authorize Chairman of the Board of Supervisors to inform State Department of Alcohol and Drug Programs that County of Orange will not enter into a contract with Healthcare Management Company of America, LLC, dba Brookside Institute for Drug Medi-Cal services - All Districts
10. Approve amendment 2 to agreement with State Department of Health Services for development and maintenance of Tobacco Control Youth Coalition, extending term to 2/28/05 (\$59,500; new total \$204,500) - All Districts
11. Approve price agreement N1000005592 with Public Health Foundation Enterprises, Inc. for fiscal agent and human services, 1/1/04 - 12/31/04 (\$173,538) - All Districts

32145
XN **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

12. Approve replacement of general partner of Mercy Housing California XIII from Mercy Properties, Inc. to Mercy Housing West; and authorize Director or designee to execute related documents, Linbrook Court Senior Apartments; Anaheim - District 4

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INTEGRATED WASTE MANAGEMENT DEPARTMENT

13. Approve amended consent to assignment of exclusive franchise agreement and amendments 1 and 5 to consent to assignment of waste disposal agreements with Taormina Industries, LLC; and find Final EIR 523 is adequate to satisfy requirements of California Environmental Quality Act - All Districts

JOHN WAYNE AIRPORT

14. Approve agreement with John F. Brown Company for preparation of Settlement Agreement Implementation Plan Financial Feasibility Analysis and Planning (\$112,440) - District 2

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

15. Approve agreement D03-047 with Santa Ana for phase-out of annual reimbursement to City for Centennial Park - District 1 (Continued from 11/4/03, Item 18)
- 23145 CONTINUED TO 1/27/04, 9:30 A.M.
X
16. Approve amended agreement D02-050 with Golder Associates, Inc. for on-call geotechnical services, extending term one year; and make California Environmental Quality Act findings - All Districts
17. Approve plans and specifications and set bid opening for 1/14/04, 2:00 p.m., for replacement of 4160-volt electrical feeders, Hall of Finance and Records, Public Defender Headquarters, 601 Ross Street and Civic Center Central Garage, Santa Ana - District 1
18. Approve price agreement N1000005501 with Sentry Control Systems, Inc. for preventive maintenance and repair services, Civic Center and Manchester Avenue Parking Facilities, one year term (\$49,200); renewable for two additional years - Districts 1 and 4
19. Accept work with Wang Milestone Construction, Inc. for remodeling purposes, Social Services Agency 2020 Walnut Facility, project completed 3/28/03 (\$3,594,252.88) - District 1
20. Accept work with Brea Olinda Ventures, LLC for Valencia Avenue Phase II street improvements from Rose Drive/Birch Street to Lambert Road/Carbon Canyon Road, Phase II; project completed 7/20/01 (\$2,040,843.13) - District 3
21. Authorize release of security for private street improvements, street lights, landscaping and monumentation, Tract 15934, Lennar Homes of California Inc., Newport Coast area - District 5
22. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 15723, Coto De Caza Ltd., Coto De Caza area - District 5
23. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 16127, Warmington LDR Associates III, L.P., Ladera Ranch area - District 5
24. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 15722, Coto De Caza Ltd., Coto De Caza area - District 5

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- 25. Adopt resolution certifying Final Focused EIR 592; approve plans and specifications and set bid opening for 1/21/04, 2:00 p.m., for replacement of existing housing units D, E and F, Probation/Juvenile Hall; and make California Environmental Quality Act and other findings - District 3
RESO: 03-371
- 26. Approve agreement with Signs of Support, Inc. for installation of advertising signs on non-emergency vehicles, 1/3/04 - 1/2/05; authorize revenues to be utilized for County-conducted educational programs in Orange County Regional Parks; and direct staff to continue assessment report at end of 2004 - All Districts
- 27. Select Peyo & Associates as primary and Kishimoto Architects as alternate firms for modification of lobby area, Central Justice Center; and authorize negotiation of agreement for Board approval - District 1
- 28. Accept easement deed for emergency and public service vehicle ingress and egress purposes from Centex Homes, Ladera Ranch area; and make California Environmental Quality Act and other findings - District 5

SOCIAL SERVICES AGENCY

- 29. In-Home Supportive Services Advisory Committee - Approve stipend increase to \$100 per meeting not to exceed \$200 per month for non-county employees and reimbursement of expenses for all members as specified in County Executive Office Administrative Procedures - All Districts
- 30. Approve price agreement N1000005521 with Tropical Plaza Nursery, Inc. for landscape maintenance services, Orangewood Children's Home, 12/14/03 - 12/13/04 (\$57,870); renewable for two additional years (\$56,670 each year) - District 3

PUBLIC PROTECTION

- 31. **District Attorney** - Approve amended lease agreement with Fullerton Harbor Boulevard, L.P. for office space at 1400 N. Harbor Blvd., Fullerton; extending term 3 years; and make California Environmental Quality Act findings - District 4

Sheriff-Coroner:

- 32. Adopt resolution rescinding Resolution 99-513 and authorizing certain officers and employees to acquire Federal surplus property from California State Agency for Surplus Property - All Districts
RESO: 03-372
- 33. Approve agreement with La Habra for Workforce Investment Act youth program services, 7/1/03 - 6/30/04 (\$2,200) - District 4
- 34. Approve purchase order with SimplexGrinnell LP for upgrade of fire alarm master system, Theo Lacy Jail (\$295,644) - District 3
- 35. Approve purchase order with Talon Executive Services, Inc. for development implementation of weapons of mass destruction exercise (\$40,000) - All Districts

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36. Approve price agreement N1000005408 with PadCom, Inc. for maintenance of software, 12/9/03 - 12/8/04 (\$31,103); renewable for two additional years - All Districts

GENERAL ADMINISTRATION

County Executive Office:

37. Acting as the Board of Supervisors and Orange County Development Agency - Approve preannexation agreement with Anaheim for County unincorporated islands AN-1, AN-2, AN-3, AN-4 and AN-5 - District 4
38. Approve agreements 03-016FA with Sperry Capital, Inc. as financial advisor (\$35,000) and 03-017BC with Orrick, Herrington & Sutcliffe LLP as bond counsel (\$120,000) for cogeneration conversion project in Civic Center and installation of photovoltaic system in Data Center, term ending 12/31/05 - District 1
- 34125
X **DEFERRED ACTION UNTIL SPECIFIC DESIGN HAS BEEN DETERMINED (MID, 2004)**
39. Approve Orange County Comprehensive Economic Development Strategy 2002-03 Annual Report - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 40-S58A)

HEALTH CARE AGENCY

40. Approve agreement with Orange County Medical Association and Management Applied Programming, Inc., aka American Insurance Administrators for administration of Emergency Medical Services Funds Program and Fiscal Intermediary services, 12/1/03 - 9/30/04 (\$10,451,518) - All Districts (Continued from 11/25/03, Item 35)

43125 **APPROVED AS RECOMMENDED**
X

41. Approve application for funding and certification form III-1 for local public health preparedness and response to bioterrorism program, FY 2003-04; authorize Director or designee to approve standard agreement with State Department of Health Services; and certify semiannual and annual progress and expenditure reports; approve purchase of unbudgeted equipment for 2003-04 local public health preparedness and response to bioterrorism program (\$126,400); authorize Director or designee to submit letter of intent to seek funding for FY 2003-04 Health Resources and Services Administration grant - All Districts

32145 **APPROVED AS RECOMMENDED**
X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

42. Receive and file Orange County Human Relations Commission Report for FY 2002-03 - All Districts
B.O. **RECEIVED AND FILED REPORT**

43. Receive and file Homeless Prevention and Related Programs Progress Report; and direct Department to return to the Board in one year with progress report - All Districts

32145 **APPROVED AS RECOMMENDED**
X

44. **Acting as the Board of Supervisors and Orange County Development Agency** - Adopt resolutions approving revised Mortgage Assistance Program policies and guidelines; approving use of Development Agency, Community Development Block Grant and Home Investment Partnership Program funds (\$525,000) and Cal Home funds (\$700,000); make related findings; and authorize Director or designee to execute related documents - All Districts

25134 **APPROVED AS RECOMMENDED**
X *RESO: 03-373 – 03-374*

INTEGRATED WASTE MANAGEMENT DEPARTMENT

45. Select GeoSyntec Consultants as primary and Golder Associates as alternate firms to provide Environmental Multi-Discipline Engineering Support services; and authorize negotiation of agreement for Board approval - All Districts

32145 **APPROVED AS RECOMMENDED**
X

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

46. Select MRF Geosystem Corporation as primary and Farallon Geographics Inc. as alternate firms for data migration services of Geographic Information Systems; and authorize negotiation of agreement for Board approval - All Districts
23145 **APPROVED AS RECOMMENDED**
 X
47. Select option for termination effective 1/18/04 or continuation through 4/18/04 of agreement D99-136 with Orange County Vector Control for Red Imported Fire Ant Program and return to the Board on 3/2/04 for additional direction; direct CEO to return to the Board to implement any necessary budget adjustments in the 2nd Quarter Budget Report; and receive and file status report - All Districts
35124 **APPROVED AS MODIFIED; AUTHORIZED CONTINUED FUNDING OF AGREEMENT**
 X **WITH VECTOR CONTROL THROUGH FEBRUARY 18, 2004 AND DIRECTED STAFF TO**
 PROVIDE APPROPRIATE LETTER OF TERMINATION OF AGREEMENT

PUBLIC PROTECTION

48. **Probation** - Approve agreement with Aspen Community Services for substance abuse services at Youth and Family Resource Centers, 12/10/03 - 12/9/04 (\$654,135); authorize Chief Probation Officer to execute future modifications under certain conditions; and make California Environmental Quality Act findings - Districts 1, 3 and 4
45123 **APPROVED AS MODIFIED; DIRECTED STAFF TO RETURN TO THE BOARD FOR**
 X **APPROVAL OF AGREEMENT EXTENSIONS**
49. **Sheriff-Coroner** - Approve amendment 3 to agreement S0000015.95 with Motorola, Inc. for pricing, terms and conditions of 800MHz equipment - All Districts
42135 **APPROVED AS RECOMMENDED**
 X

GENERAL ADMINISTRATION

County Executive Office:

50. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
 NO ACTION TAKEN
51. Approve price agreement N1000005587 with Susan Saxe-Clifford, Ph.D., for peace officer candidate psychological evaluation services, 12/31/03 - 12/30/04 (\$250,000); renewable for four additional years - All Districts
54123 **APPROVED AS AMENDED; DIRECTED STAFF TO RETURN TO THE BOARD FOR**
 X **APPROVAL OF AGREEMENT RENEWALS**
52. Second reading and adoption of "An Ordinance of the Board of Supervisors of the County of Orange, State of California, Acting in its Capacity as the Legislative Body of Community Facilities District No. 2003-1 of the County of Orange (Ladera Ranch) Authorizing the Levy of a Special Tax Within Community Facilities District No. 2003-1 of the County of Orange (Ladera Ranch)" - District 5 (Continued from 11/25/03, Item 49)
52134 **APPROVED AS RECOMMENDED**
 X *ORD: 03-016*

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53. Approve price agreement N1000005595 with Standard Insurance Company for Accidental Death and Dismemberment Insurance, 1/1/04 - 12/31/04 (\$160,000); renewable for four consecutive one year terms - All Districts
23145 **APPROVED AS RECOMMENDED**
X
54. Approve lease with Orange Unified School District and Villa Park Elementary School Restoration Corporation for restoration of historic buildings on Villa Park Elementary School site for classrooms; and make related findings - District 3
32145 **APPROVED AS RECOMMENDED**
X
55. Approve policies related to contract overruns, effective 2/1/04, and incorporate into County Contract Policy Manual - All Districts
B.O. **CONTINUED TO 12/16/03, 9:30 A.M.**
56. **Registrar of Voters** - Adopt resolution approving application for funds under Help America Vote Act; approve standard agreement with State Department; and authorize Interim Director or designee to execute and amend agreement under certain conditions - All Districts
32145 **APPROVED AS RECOMMENDED**
X *RESO: 03-375*
- Treasurer-Tax Collector:**
57. Adopt resolution authorizing issuance of North Orange County Community College District General Obligation Bonds, Election 2002, Series 2002B (\$100,000,000) - Districts 2 & 4 (Continued from 11/18/03, Item 51)
43125 **APPROVED AS RECOMMENDED**
X *RESO: 03-376*
58. Receive and file Treasury Oversight Committee report and current operative Bylaws; approve 2004 Investment Policy Statement; and adopt resolution delegating authority to invest and reinvest funds of County and other depositors to the Treasurer-Tax Collector - All Districts
35124 **APPROVED PROPOSED INVESTMENT POLICY STATEMENT WITH THE**
X **FOLLOWING EXCEPTIONS WHICH ARE TO BE REFERRED BACK TO THE**
TREASURY OVERSIGHT COMMITTEE FOR RECONSIDERATION: (A) SECTION
V, #9 (PAGE 9 OF THE IPS) AND (B) SECTION VII (PAGES 10-11 OF THE IPS AND
APPROVED RECOMMENDED ACTIONS 2 AND 3 AS PROPOSED
RESO: 03-377
- S58A. **Planning and Development Services** - Receive and file Code Enforcement Program Status Report; and direct Department to return to the Board in 90 days with future code enforcement staffing recommendations - All Districts
42135 **RECEIVED REPORT AND DIRECTED STAFF TO RETURN TO THE BOARD ON 1/27/04,**
X **9:30 A.M., WITH CODE ENFORCEMENT STAFFING RECOMMENDATIONS**

IV. PUBLIC HEARINGS (None)

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V. CLOSED SESSION (Items CS-1-SCS-3)

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Bunker v. County of Orange, et al., Court of Appeal Case No. G029383; OCSC Case No. 791799
B.O. **HELD, NO REPORTABLE ACTION**
- SCS-3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Spirit of the Sage Council v. Babbitt 98-1873 (EGS) D.D.C.
B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, AUTHORIZED SPECIAL COUNSEL TO THE COUNTY TO FILE A NOTICE OF APPEAL IN THE CASE OF SPIRIT OF THE SAGE COUNCIL V. BABBITT.**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Andrew Brooks - Oral Re: Code and land use enforcement

BOARD COMMENTS:

Board of Supervisors - Oral Re: VLF Backfill loss and Budget Strategies proposed by CEO

ADJOURNED: 12:27 P.M.

25134 Adjourned in memory of Alfredo B. Lagmay, Sr.
X

35124 Adjourned in memory of Bob Crevier
X

52134 Adjourned in memory of Dorothy Ann Kogerman
X

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*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board